

AMENDED IN ASSEMBLY APRIL 7, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1587

Introduced by Assembly Member Saldana

February 22, 2005

An act to ~~amend Section 107 of~~ add Section 598e to the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1587, as amended, Saldana. ~~Prisoners~~ *Farmed Animal Reform Act.*

Existing law generally regulates the slaughter of agricultural animals.

This bill would provide, notwithstanding any provision of law, that it is unlawful to kill or to attempt to kill any cow or bull, calf, horse, mule, sheep, swine, goat, fallow deer, or poultry by burning, burying, grinding, drowning, rapid freezing, or suffocation. This bill would also provide that these provisions may be enforced by a peace officer, humane officer, or animal control officer. This bill would provide that any person or entity that violates these provisions shall be subject to a civil penalty of \$1,000 for each violation, \$1,000 for each day that the violation continues, and criminal prosecution. Because this bill would create a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law provides that every prisoner charged with or convicted of a felony who is an inmate of any public training school, reformatory, or county hospital who escapes or attempts to escape from that public training school, reformatory, or county hospital is guilty of a felony.~~

~~This bill would make technical, nonsubstantive changes to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 107 of the Penal Code is amended to~~
2 ~~read:~~

3 ~~SECTION 1. Section 598e is added to the Penal Code, to~~
4 ~~read:~~

5 ~~598e. (a) (1) Notwithstanding any other provision of law, it~~
6 ~~is unlawful for any person to kill or to attempt to kill any cow or~~
7 ~~bull, calf, horse, mule, sheep, swine, goat, fallow deer, or poultry~~
8 ~~by any of the following methods:~~

9 ~~(A) Burning.~~

10 ~~(B) Burying.~~

11 ~~(C) Drowning.~~

12 ~~(D) Grinding.~~

13 ~~(E) Rapid freezing.~~

14 ~~(F) Suffocation.~~

15 ~~(2) To be lawful, any method of slaughter employed shall be~~
16 ~~generally accepted by the veterinary profession as reliable,~~
17 ~~appropriate to the species of animal upon which it is employed,~~
18 ~~and capable of producing loss of consciousness and death as~~
19 ~~rapidly and painlessly as possible. A suffering or incapacitated~~
20 ~~animal shall either receive veterinary care or be immediately and~~
21 ~~humanely killed.~~

22 ~~(b) For purposes of this section, the following terms have the~~
23 ~~following meanings:~~

24 ~~(1) "Burning" means killing or attempting to kill an animal~~
25 ~~through the use of fire or other heat source.~~

26 ~~(2) "Burying" means killing or attempting to kill an animal by~~
27 ~~covering it with dirt, or other animals or matter, in order to~~
28 ~~cause death by asphyxiation.~~

1 (3) “Drowning” means killing or attempting to kill an animal
2 by submerging it in liquid, in order to cause death by
3 asphyxiation.

4 (4) “Grinding” means killing or attempting to kill an animal
5 by maceration or dismemberment.

6 (5) “Rapid freezing” means killing or attempting to kill an
7 animal by causing immediate hypothermia.

8 (6) “Suffocation” means killing or attempting to kill an animal
9 by restricting its intake of oxygen in order to cause death by
10 asphyxiation.

11 (c) A peace officer, humane officer for the humane society or
12 society for the prevention of cruelty to animals, as defined in
13 Section 14502 of the Corporations Code, or an animal control
14 officer, as defined in Section 830.9 of the Penal Code, may
15 enforce these provisions.

16 (d) Any person or entity that violates this section shall be
17 subject to a civil penalty of one thousand dollars (\$1,000) for
18 each violation and one thousand dollars (\$1,000) for each day
19 that the violation continues, which shall be payable to the local
20 agency initiating the enforcement of this section to offset any
21 related costs.

22 (e) In addition to the penalties specified in subdivision (d), a
23 person or entity that violates this section shall be subject to the
24 penalty specified in Section 19440 and may be prosecuted by the
25 district attorney of the county, or the city attorney of the city, in
26 which the violation occurred.

27 SEC. 2. No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 the only costs that may be incurred by a local agency or school
30 district will be incurred because this act creates a new crime or
31 infraction, eliminates a crime or infraction, or changes the
32 penalty for a crime or infraction, within the meaning of Section
33 17556 of the Government Code, or changes the definition of a
34 crime within the meaning of Section 6 of Article XIII B of the
35 California Constitution.

36 ~~107. Every prisoner charged with or convicted of a felony~~
37 ~~who is an inmate of any public training school or reformatory or~~
38 ~~county hospital who escapes or attempts to escape from that~~
39 ~~public training school or reformatory or county hospital is guilty~~
40 ~~of a felony and is punishable by imprisonment in the state prison,~~

- 1 ~~or by a fine not exceeding ten thousand dollars (\$10,000), or by~~
- 2 ~~both that fine and imprisonment.~~

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